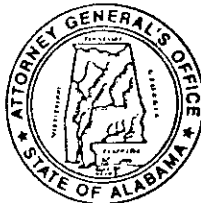


OFFICE OF THE ATTORNEY GENERAL



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80-60329

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Honorable S. A. Armistead
Circuit Clerk
First Judicial Circuit
P. O. Box 568
Grove Hill, Alabama 36451

Destruction of Records -

Destruction of exhibits in
civil cases not covered by
Code of Alabama 1975, Section
12-21-8, properly to be re-
ferred to State Records
Commission.

Dear Mr. Armistead:

You have requested an opinion as to the applicability of Section 12-21-8 of the Code of Alabama 1975, as to destruction of records which fit the criteria of the statute in all respects other than "offered and received in evidence," or in other words, where the case has had a final disposition without trial.

Destruction of state records is governed by the provisions of Code of Alabama 1975, Section 41-13-21 which charges the State Records Commission (created by Code of Alabama 1975, §41-13-20) with the responsibility of determining destruction and disposition of state records.

The Director of Archives and History is named the Chairman of the State Records Commission. It is my understanding that the Administrative Director of Courts, pursuant to his authority under Code of Alabama 1975, §12-5-1 through 20, is presently preparing a retention schedule for the

Honorable S. A. Armistead
Page Two

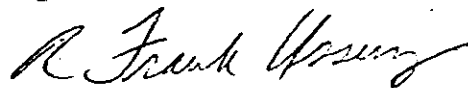
approval of the State Records Commission which should give guidance on your question. In the meantime, you should be governed by the further provisions of §41-13-21 which provides:

"No state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the state records commission."

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-

A handwritten signature in cursive script, appearing to read "R. Frank USSERY".

R. FRANK USSERY
Assistant Attorney General

RFU:bb